IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

OP.No. 1785 of 2002(K)

PETITIONER:

N. KARUNAKARAN NADAR, SUBHA DEEPTHI,
AMMAN NAGAR, KARAKULAM P.O., TRIVANDRUM.

BY ADV. SRI.B.KRISHNA MANI
SRI.V.PREMCHAND

RESPONDENTS:

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1. **THE REGISTRAR OF CO-OPERATIVE SOCIETIES**
   THIRUVANANTHAPURAM.

2. **THE ARUVIKKARA FARMERS SERVICE**
   CO-OPERATIVE BANK LTD., NO.603,
   ARUVIKKARA P.O., REP. BY ITS SECRETARY.

3. **THE BOARD OF MANAGEMENT,**
   ARUVIKKARA FARMRS SERVICE CO-OPERATIVE
   BANK LTD.NO.603, ARUVIKKARA, REP. BY ITS
   SECRETARY.

BY ADV. SRI.C.P.SUDHAKARA PRASAD
SRI.ELVIN PETER P.J.
SRI.P.N.SANTHOSH
SRI.S.D.ASOKAN
SRI.S.RAMESH
GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

O.P.No.1785 of 2002

Dated 21st February, 2007.

J U D G M E N T

Petitioner is aggrieved since his Ext.P3 objection under Rule 176 of the Kerala Cooperative Societies Rules, 1969 is not considered by the first respondent. Learned counsel appearing for the second respondent submits that the petitioner having not appeared and contested the matter before the appellate authority, he cannot be permitted to pursue the remedy before the first respondent. I am afraid, the contention cannot be appreciated. Even assuming that the petitioner did not utilize the opportunity before the third respondent appellate authority, nothing stands in the way of the petitioner invoking the jurisdiction of the Registrar under Rule 176 of the Kerala Cooperative Societies Rules. That is an independent power to be exercised by the Registrar subject to the limits and limitations under the said rule. Therefore, there will be a direction to the first respondent to look into Ext.P3 with notice to the petitioner and the second respondent and pass appropriate orders thereon in accordance with law, if not already passed, within a period of four

months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No.1785 of 2002 (K)

J U D G M E N T

Dated 21st February, 2007.